B. Agri. Debtor's Relief

1952. **File No.** 52

K

Legal Deptt.

B BRANCH

Subject:— L. A. Bill (No. XI of 1952

A Bill to amend the Bombay Agricultural Debtor's Relief Act, 1947

Bom. Act (No XIX of 1952

Relief/52

Gen. 104 e.

885-B

1952. File No. Agrl. Debtor's Relief 52

Legal Deptt
B BRANCH

K

Subject:— A Bill No. XI of 1952

A Bill to amend the Bombay Agricultural Debtor's Relief Act, 1947

Bom. Act No. XIX of 1952

B.11
E

File No. B. Agrl. Debtor's Relief/52

Gen. 194 e.

885-B

PROGRESS SHEET

Bill No. XI of 1952 (The Bombay Agricultural Depattment relief (Amendment) Bill, 195)-

I.	Papers of the Bill received in Legal Department for Publication on..	9-5-52
II.	Bill published on	13-5-52
III.	Papers of the Bill returned to Department on	16-5-52
IV.	Bill introduced in the Assembly on	28-6-52
V.	6 Copies of the Bill as introduced in the Assembly sent to the Government of India, Ministry of Law, on	16-9-52
VI.	6 copies of Select Committee's report sent to Government of India,, Ministry of Law, on	--------
VII.	Bill passed by the Assembly on	28-6-52
VIII .	6 copies of the Bill as passed by the Assembly sent to the Government of India, Ministry of Law, on	17-9-52
IX .	Bill introduced in the Council on	17-7-52
X.	Bill passed by the Council on	---- Do--
XI.	6 copies of the Bill as passed by the Council sent to the Government of India, Ministry of Law, on	16-9-52
XII.	Assent of the Governor received on	14-9-52
XIII.	Act published on	18-9-52
XIV.	6 copies of the Act supplied to the Government of India, Ministry of Law, on	24-9-52
XV.	2 copies of the Act supplied to the Secretary to the Governor on	---- do---

Mjr/27/6
4 Cs.

Office of the R.L.A.

A requisite draft Bill is sent herewith.

2. The subject-matter of the Bill falls under entry 30 in List II and entries 13 and 26 in List III in the Seventh Schedule to the Constitution. The Bill does not require any sanction or recommendation

Sd/- J.R.Dhurandhar

o.c. 24/11

Remembrancer of Legal Affairs.

U.R. to D.D.,.No. 978-Confl, dated the 24th November 1951.

Mjr/27/6

4 Cs.

Legal Department,
Bombay Castle (Bombay No. 1), 9th Se
195.

From

Shri J.R.Dhurandhar,
Additional Secretary to the Government of Bombay,,

To

The Secretary to the Government of Bombay.

Subject:- The Bombay Agricultural Debetors Relief (Amendment) Bill , 1952.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of the Governor the authentic copy of the Bombay Agricultural Debtors Relief (Amendment) Bill,1952, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 28th June 1952 and the 17th July 1952, respectively.

2. The subject- matter of the Bill falls under entry 30 in List II and entries 13 and 26 in List III in the Seventh Schedule to the Constitution of India. As the Bill does not contain any provision repugnant to the provisions of any earlier law made by Parliament or any existing law with respect to any of the matters enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. The date on which the Governor's assent is given may kindl be entered in the endorsement.

4. I also forward herewith one copy of each of the items

	Nos.
1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	1.2
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	and
3. Bill as read for the third time and passed by the Bombay Legislative Council.	4
4. Extracts from the proceedings of the Bombay Legislative Assembly, dated the 28th June 1952 and of the Bombay Legislative Council, dated the 17th July 1952.	and two

---copies of .....

Mjr/27/6
4 Cs.

of item No. 3 of the papers noted in the margin.
The Bill was not referred to a Select Committee.

Yours faithfully,

Sd/- J.R.Dhurandhar
8/9

o.c.

Additional Secretary to Government

Copy forwarded with compliments to the Secretary to the Government of Bombay, Development Department.

Mjr/26/7
4 Cs.

No. 2340

From

THE SECR TARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government,
Legal Department .

Subject:-The Bombay Agricultural Debtors Relief (Amendment) Bill, 1952

RAJBHAVAN
Ganeshkhind, September 15,1952.
Poona 7.

Sir,

With reference to your letter No 14622/B1 dated September 9,1952, I am directed to return herewith the authentic copy of the Bombay Agricultural Debtors Relief (Amendment) Bill, 1952, with the Governor's assent signified thereon.

Yours faithfullu,

Sd/-

Secretary to the Governor of Bombay.

Mjr/27/6

4 Cys.

ACTS.

Publication of the Bombay Agricultural Debtors Relief (Amendment) Act, 1952.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 15340/B
Bombay Castle, 18th September 1952.

Letter to the Secretary to the Governor, No 14622/B, dated the 9th September 1952.

Letter from the Secretary to the Governor, No. G.S.2840, dated the 15th September 1952.

"With reference to your letter No. 15622/B, dated September 9, 1952, I am directed to return herewith the authentic copy of the Bombay Agricultural Debtors Relief (Amendment) Bill, 1952, with the Governor's assent signified thereon."

RESOLUTION: The law should be published as Bombay Act No. XIX of 1952 in the Bombay Government Gazette dated the 18th September 1952.

2. The Act should be translated into Marathi, Gujrati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act shouldbe forwarded to the Development Department with reference to the Memorandum from that Department No. 7952/2076-C, dated the 8th May 1952.

By order of the Governor of Bombay,
Sd/- S.W.Dhurandhar

S.W. DHURANDHAR,
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department and 10 copies to the Development Department,
The Development Department,) with a
The Examiner of Books and publications,) copy of
The Bombay Legislature Department,) the Act,
The Director of Publicity, Bombay,)
The Liaison Officer for the Secretariat Bombay.)*

* With four extra copies of the Act.

Mjr/27/6
4 Cs.

Registered No. B-1.

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 13TH MAY 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XI OF 1952.

A Bill to amend the Bombay Agricultural Debtors Relief Act, 1947.

Bom. XXVIII of 1947.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Agricultural Debtors Relief (Amendment) Act, 1952.

Bom. XXVIII of 1947.

Amendment of section 42 of Bom. XXVIII

2. In section 42 of the Bombay Agricultural Debtors Relief Act, 1947, for the words and figures "sections 24 and 28" the words, figures and brackets " sections 24 and 28 and sub-section (*3*) of section 38 " shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Section 42 of the Bombay Agricultural Debtors Relief Act, 1947, lays down that except in proceedings under sections 24 and 28 no pleader shall be entitled to appear on behalf of any party in any proceedings before the Court or the Court in appeal under the said Act, provided that the Court or the Court in appeal may allow the parties to be represented at their own cost by a pleader if it is satisfied that the appearance of a pleader is in the interest of the parties and justice. It has been represented to Government several times in the past that the ban on the appearance of pleaders in the proceedings under the Bombay Agricultural Debtors Relief Act, 1947, should be lifted. The High Court has suggested recently that pleaders may be allowed to appear in execution proceedings under the Bombay Agricultural Debtors Relief Act without requiring them to obtain special permission of the Court.

Government was disinclined to move for the amendment of the existing provision as it considered that the discretionary provision referred to was adequate to meet the needs of parties in suitable cases. On a review of the position, however, Government considers that in execution proceedings under the Act pleaders may be allowed to appear without having to obtain special permission. It is, therefore, proposed to allow pleaders to appear in the execution proceedings under the Bombay Agricultural Debtors Relief Act. The Bill seeks to amend section 42 of the Act for this purpose.

Dated the 6th May 1952. (Signed) M. P. PATIL.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 13th May 1952.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XI OF 1952.

A Bill to amend the Bombay Agricultural Debtors Relief Act, 1947.

As read for the third time and passed by the Legislative Assembly on the 28th June 1952.

Bom. XXVIII of 1947.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Agricultural Debtors Relief (Amendment) Act, 1952.

Amendment of section 42 of Bom. XXVIII of 1947.

Bom. XXVIII of 1947.

2. In section 42 of the Bombay Agricultural Debtors Relief Act, 1947, for the words and figures "sections 24 and 28" the words, figures and brackets " sections 24 and 28 and sub-section (3) of section 38 " shall be substituted.

MO-II Bk Hb 119

STATEMENT OF OBJECTS AND REASONS.

Section 42 of the Bqmbay Agricultural Debtors Relief Act, 1947, lays down that except in proceedings under sections 24 and 28 no pleader shall be entitled to appear on behalf of any party in any proceedings before the Court or the Court in appeal under the said Act, provided that the Court or the Court in appeal may allow the parties to be represented at their own cost by a pleader if it is satisfied that the appearance of a pleader is in the interest of the parties and justice. It has been represented to Government several times in the past that the ban on the appearance of pleaders in the proceedings under the Bombay Agricultural Debtors Relief Act, 1947, should be lifted. The High Court has suggested recently that pleaders may be allowed to appear in execution proceedings under the Bombay Agricultural Debtors Relief Act without requiring them to obtain special permission of the Court.

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Dated the 6th May 1952. M. P. PATIL.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XI OF 1952.]

(As read for the third time and passed by the Legislative Assembly on the 28th June 1952.)

A Bill to amend the Bombay Agricultural Debtors Relief Act, 1947.

[Shri M. P. PATIL, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XI OF 1952.

A Bill to amend the Bombay Agricultural Debtors Relief Act, 1947.

(As read for the third time and passed by the Legislative Assembly on the 28th June 1952.)

(As read for the third time and passed by the Legislative Council on the 17th July 1952.)

Bom. XXVIII of 1947.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Agricultural Debtors Relief (Amendment) Act, 1952.

Bom. XXVIII of 1947.

Amendment of section 42 of Bom. XXVIII of 1947.

2. In section 42 of the Bombay Agricultural Debtors Relief Act, 1947, for the words and figures "sections 24 and 28" the words, figures and brackets " sections 24 and 28 and sub-section (*3*) of section 38 " shall be substituted.

MO-II Bk Hb 139

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XI OF 1952.]

(As read for the third time and passed by the Legislative Assembly on the 28th June 1952.)

(As read for the third time and passed by the Legislative Council on the 17th July 1952).

A Bill to amend the Bombay Agricultural Debtors Relief Act, 1947.

[Shri M. P. Patil, M.L.A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY
THURSDAY, 18TH SEPTEMBER 1952.
Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

PAGE
BOMBAY ACT No. XIX OF 1952—An Act to amend the Bombay Agricultural Debtors Relief Act, 1947 71

The following Act of the Bombay Legislature having been assented to by the Governor on the 14th September 1952 is hereby published for general information.

S. L. CHAUDHARI,
Deputy Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XIX OF 1952.

(*First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 18th September 1952.*)

An Act to amend the Bombay Agricultural Debtors Relief Act, 1947.

Bom. XXVIII of 1947.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Agricultural Debtors Relief (Amendment) Act, 1952.

Bom. XXVIII of 1947.

Amendment of section 42 of Bom. XXVIII of 1947.

2. In section 42 of the Bombay Agricultural Debtors Relief Act, 1947, for the words and figures "sections 24 and 28" the words, figures and brackets "sections 24 and 28 and sub-section (*3*) of section 38" shall be substituted.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.